



Rep. Ron Stephens

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LRB096 10741 ASK 26325 a

1 AMENDMENT TO SENATE BILL 1339

2 AMENDMENT NO. _____. Amend Senate Bill 1339 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Roofing Industry Licensing Act is
5 amended by changing Sections 2, 3.5, 4.5, and 5 as follows:

6 (225 ILCS 335/2) (from Ch. 111, par. 7502)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 2. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 (a) "Licensure" means the act of obtaining or holding a
11 license issued by the Department as provided in this Act.

12 (b) "Department" means the Department of Professional
13 Regulation.

14 (c) "Director" means the Director of Professional
15 Regulation.

16 (d) "Person" means any individual, partnership,

1 corporation, business trust, limited liability company, or
2 other legal entity.

3 (e) "Roofing contractor" is one who has the experience,
4 knowledge and skill to construct, reconstruct, alter, maintain
5 and repair roofs and use materials and items used in the
6 construction, reconstruction, alteration, maintenance and
7 repair of all kinds of roofing and waterproofing as related to
8 roofing, all in such manner to comply with all plans,
9 specifications, codes, laws, and regulations applicable
10 thereto, but does not include such contractor's employees to
11 the extent the requirements of Section 3 of this Act apply and
12 extend to such employees.

13 (f) "Board" means the Roofing Advisory Board.

14 (g) "Qualifying party" means the individual filing as a
15 sole proprietor, partner of a partnership, officer of a
16 corporation, trustee of a business trust, or party of another
17 legal entity, who is legally qualified to act for the business
18 organization in all matters connected with its roofing
19 contracting business, has the authority to supervise roofing
20 installation operations, and is actively engaged in day to day
21 activities of the business organization.

22 "Qualifying party" does not apply to a seller of roofing
23 materials or services when the construction, reconstruction,
24 alteration, maintenance, or repair of roofing or waterproofing
25 is to be performed by a person other than the seller or the
26 seller's employees.

1 (h) "Limited roofing license" means a license made
2 available to contractors whose roofing business is limited to
3 residential roofing, including residential properties
4 consisting of 8 units or less.

5 (i) "Unlimited roofing license" means a license made
6 available to contractors whose roofing business is unlimited in
7 nature and includes roofing on residential, commercial, and
8 industrial properties.

9 (j) "Seller of services or materials" means a business
10 entity primarily engaged in the sale of tangible personal
11 property at retail.

12 (Source: P.A. 95-303, eff. 1-1-08.)

13 (225 ILCS 335/3.5)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 3.5. Examination.

16 (a) The Department shall authorize examinations for
17 applicants for initial licenses at the time and place it may
18 designate. The examinations shall be of a character to fairly
19 test the competence and qualifications of applicants to act as
20 roofing contractors. Each applicant for limited licenses shall
21 designate a qualifying party who shall take an examination, the
22 technical portion of which shall cover residential roofing
23 practices. Each applicant for an unlimited license shall
24 designate a qualifying party who shall take an examination, the
25 technical portion of which shall cover residential,

1 commercial, and industrial roofing practices.

2 (b) An applicant for a limited license or an unlimited
3 license or a qualifying party designated by an applicant for a
4 limited license or unlimited license shall pay, either to the
5 Department or the designated testing service, a fee established
6 by the Department to cover the cost of providing the
7 examination. Failure of the individual scheduled to appear for
8 the examination on the scheduled date at the time and place
9 specified after his or her application for examination has been
10 received and acknowledged by the Department or the designated
11 testing service shall result in forfeiture of the examination
12 fee.

13 ~~(c) A person who has a license as described in subsection~~
14 ~~(1.5) of Section 3 is exempt from the examination requirement~~
15 ~~of this Section, so long as (1) the license continues to be~~
16 ~~valid and is renewed before expiration and (2) the person is~~
17 ~~not newly designated as a qualifying party after July 1, 2003.~~
18 The qualifying party for an applicant for a new license must
19 have passed an examination authorized by the Department before
20 the Department may issue a license.

21 (d) The application for a license as a corporation,
22 business trust, or other legal entity submitted by a sole
23 proprietor who is currently licensed under this Act and exempt
24 from the examination requirement of this Section shall not be
25 considered an application for initial licensure for the
26 purposes of this subsection (d) if the sole proprietor is named

1 in the application as the qualifying party and is the sole
2 owner of the legal entity. Upon issuance of a license to the
3 new legal entity, the sole proprietorship license is
4 terminated.

5 The application for initial licensure as a partnership,
6 corporation, business trust, or other legal entity submitted by
7 a currently licensed partnership, corporation, business trust,
8 or other legal entity shall not be considered an application
9 for initial licensure for the purposes of this subsection (d)
10 if the entity's current qualifying party is exempt from the
11 examination requirement of this Section, that qualifying party
12 is named as the new legal entity's qualifying party, and the
13 majority of ownership in the new legal entity remains the same
14 as the currently licensed entity. Upon issuance of a license to
15 the new legal entity under this subsection (d), the former
16 license issued to the applicant is terminated.

17 (e) An applicant has 3 years after the date of his or her
18 application to complete the application process. If the process
19 has not been completed within 3 years, the application shall be
20 denied, the fee shall be forfeited, and the applicant must
21 reapply and meet the requirements in effect at the time of
22 reapplication.

23 (Source: P.A. 95-303, eff. 1-1-08.)

24 (225 ILCS 335/4.5)

25 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 4.5. Duties of qualifying party; replacement; grounds
2 for discipline.

3 (a) While engaged as or named as a qualifying party for a
4 licensee, no person may be the named qualifying party for any
5 other licensee. However, the person may act in the capacity of
6 the qualifying party for one additional licensee of the same
7 type of licensure if one of the following conditions exists:

8 (1) There is a common ownership of at least 25% of each
9 licensed entity for which the person acts as a qualifying
10 party.

11 (2) The same person acts as a qualifying party for one
12 licensed entity and its licensed subsidiary.

13 "Subsidiary" as used in this Section means a corporation of
14 which at least 25% is owned by another licensee.

15 (b) In the event that a qualifying party is terminated or
16 terminating his or her status as qualifying party of a
17 licensee, the qualifying party and the licensee shall notify
18 the Department of that fact in writing. Thereafter, the
19 licensee shall notify the Department of the name and address of
20 the newly designated qualifying party. The newly designated
21 qualifying party must take the examination prescribed in
22 Section 3.5 of this Act; however, a newly designated qualifying
23 party is exempt from the examination requirement until January
24 1, 2012 if he or she has acted in the capacity of a roofing
25 contractor for a period of at least 15 years for the licensee
26 for which he or she seeks to be the qualifying party. These

1 requirements shall be met in a timely manner as established by
2 rule of the Department.

3 (c) A qualifying party that is accepted by the Department
4 shall have the authority to act for the licensed entity in all
5 matters connected with its roofing contracting business and to
6 supervise roofing installation operations. This authority
7 shall not be deemed to be a license for purposes of this Act.

8 (d) Designation of a qualifying party by an applicant under
9 Section 3 is subject to acceptance by the Department. The
10 Department may refuse to accept a qualifying party (i) for
11 failure to qualify as required under this Act and the rules
12 adopted under this Act or (ii) after making a determination
13 that the designated party has a history of acting illegally,
14 fraudulently, incompetently, or with gross negligence in the
15 roofing or construction business.

16 (e) The Department may, at any time after giving
17 appropriate notice and the opportunity for a hearing, suspend
18 or revoke its acceptance of a qualifying party designated by a
19 licensee for any act or failure to act that gives rise to any
20 ground for disciplinary action against that licensee under
21 Section 9.1 or 9.6 of this Act. If the Department suspends or
22 revokes its acceptance of a qualifying party, the license of
23 the licensee shall be deemed to be suspended until a new
24 qualifying party has been designated by the licensee and
25 accepted by the Department.

26 If acceptance of a qualifying party is suspended or revoked

1 for action or inaction that constitutes a violation of this Act
2 or the rules adopted under this Act, the Department may in
3 addition take such other disciplinary or non-disciplinary
4 action as it may deem proper, including imposing a fine on the
5 qualifying party, not to exceed \$10,000 for each violation.

6 All administrative decisions of the Department under this
7 subsection (e) are subject to judicial review pursuant to
8 Section 9.7 of this Act. An order taking action against a
9 qualifying party shall be deemed a final administrative
10 decision of the Department for purposes of Section 9.7 of this
11 Act.

12 (Source: P.A. 91-950, eff. 2-9-01.)

13 (225 ILCS 335/5) (from Ch. 111, par. 7505)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 5. Display of license number; advertising.

16 (a) Each State licensed roofing contractor shall affix the
17 license number of his or her license to all of his or her
18 contracts and bids. In addition, the official issuing building
19 permits shall affix the roofing contractor license number to
20 each application for a building permit and on each building
21 permit issued and recorded.

22 (a-5) If a general contractor applies for a building permit
23 with a unit of local government and knowingly submits a roofing
24 license number that is not that of the roofing contractor who
25 will be the subcontractor for the project for which the general

1 contractor has requested the permit, the general contractor
2 shall be guilty of identity theft under subsection (a) of
3 Section 16G-15 of the Criminal Code of 1961.

4 (b) In addition, every roofing contractor shall affix the
5 roofing contractor license number and the licensee's name, as
6 it appears on the license, on all commercial vehicles used as
7 part of his or her business as a roofing contractor.

8 (c) Every holder of a license shall display it in a
9 conspicuous place in his or her principal office, place of
10 business, or place of employment.

11 (d) No person licensed under this Act may advertise
12 services regulated by this Act unless that person includes in
13 the advertisement his or her license number. Nothing contained
14 in this subsection requires the publisher of advertising for
15 roofing contractor services to investigate or verify the
16 accuracy of the license number provided by the licensee.

17 (e) A person who advertises services regulated by this Act
18 who knowingly (i) fails to display the license number in any
19 manner required by this Section, (ii) fails to provide a
20 publisher with the correct license number as required by
21 subsection (d), or (iii) provides a publisher with a false
22 license number or a license number of another person, or a
23 person who knowingly allows his or her license number to be
24 displayed or used by another person to circumvent any
25 provisions of this Section, is guilty of a Class A misdemeanor
26 with a fine of \$1,000, and, in addition, is subject to the

1 administrative enforcement provisions of this Act. Each day
2 that an advertisement runs or each day that a person knowingly
3 allows his or her license to be displayed or used in violation
4 of this Section constitutes a separate offense.

5 (Source: P.A. 94-254, eff. 7-19-05.)".